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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,687	06/08/2001	Matthew J. Holliman	42390.P11076	9438

8791 7590 05/08/2006

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EXAMINER	
LEE, PHILIP C	

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/877,687	HOLLIMAN ET AL.	
	Examiner	Art Unit	
	Philip C. Lee	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *42-79* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *42-79* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 9/22/05
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on February 16, 2006.

2. Claims 42-79 are presented for examination. Claims 1-41 are canceled.

3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

4. Claims 42-45, 48-50, 52-56, 60-61, 63, 65-70, 75-76 and 78-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al, U.S Patent Application Publication 2002/0073204 (hereinafter Dutta) and Schneider, U.S. Patent 6,687,753 (hereinafter Schneider) in view of Betros et al, U.S. Patent Application Publication 2005/0273455 (hereinafter Betros).

5. Schneider and Dutta were cited in the last office action.

6. As per claim 42, Dutta taught the invention substantially as claimed comprising:

a processing unit (page 2, paragraph 28);

a memory device (page 2, paragraph 28);

a network interconnection (page 2, paragraph 28; fig. 1b); and

a first unit to process a peer-to-peer inquiry for data from a peer node (page 3, paragraph 37), and transmitting the data to the peer node (page 4, paragraphs 44-45).

7. Dutta did not teach transcoding the data and transmitting in a transport specification specified. Schneider taught the invention comprising:

> transcode the data before transmitting the data to the node, wherein the transcoding includes converting the data into a format that can be processed by the node (col. 4, lines 57-61), and transmitting the data in a transport specification as specified by the node (col. 3, lines 14-16, 41-53; col. 5, lines 15-37).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider because Schneider's system of transcoding the data and transmitting in a transport specification specified would increase the efficiency of Dutta's system by allowing the optimal transmission method to be chosen based on the network bandwidth and user preference (col. 3, lines 10-16).

9. Dutta and Schneider did not teach the inquiry specifying a format for the data. Betros taught wherein the inquiry specifying a format for the data that can be processed by the node (pages 1-2, paragraph 9; page 6, paragraph 43), and wherein the transcoding includes converting the data into the specified format that can be processed by the node (page 6, paragraphs 47-49).

10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Betros because Betros's teaching of inquiry specifying a format for the data would increase the compatibility of Dutta's and

Schneider's systems by allowing data in incompatible format to be translated into a requested format that is compatible with the requesting system (page 1, paragraphs 4 and 5).

11. As per claims 53 and 67, Dutta taught the invention substantially as claimed comprising:

a first peer node receiving a peer-to-peer network inquiry for data from a second peer node (page 3, paragraph 37);and

transmitting the data to the second peer node (page 4, paragraphs 44-45).

12. Dutta did not teach transcoding the data and transmitting in a transport specification specified. Schneider taught the invention comprising:

transcode the data before transmitting the data to the node, wherein the transcoding includes converting the data into a format that can be processed by the node (col. 4, lines 57-61), and transmitting the data in a transport specification as specified by the node (col. 3, lines 14-16, 41-53; col. 5, lines 15-37).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider because Schneider's system of transcoding the data and transmitting in a transport specification specified would increase the efficiency of Dutta's system by allowing the optimal transmission method to be chosen based on the network bandwidth and user preference (col. 3, lines 10-16).

14. Dutta and Schneider did not teach the inquiry specifying a format for the data. Betros taught wherein the inquiry specifying a format for the data that can be processed by the node (pages 1-2, paragraph 9; page 6, paragraph 43), and wherein the transcoding includes converting the data into the specified format that can be processed by the node (page 6, paragraphs 47-49).

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Betros because Betros's teaching of inquiry specifying a format for the data would increase the compatibility of Dutta's and Schneider's systems by allowing data in incompatible format to be translated into a requested format that is compatible with the requesting system (page 1, paragraphs 4 and 5).

16. As per claims 43, 54 and 68, Dutta, Schneider and Betros taught the invention substantially as claimed in claims 42, 53 and 67 above. Schneider further taught that the transport specification is specified by an application at the peer node (col. 3, lines 41-53).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Betros for the same reason set forth in claims 42, 53 and 67 above.

18. As per claims 44, 55 and 69, Dutta, Schneider and Betros taught the invention substantially as claimed in claims 42, 53 and 67 above. Schneider further taught that the inquiry includes a user-specified query generated at the peer node (col. 3, lines 28-31, 61-67).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Betros for the same reason set forth in claims 42, 53 and 67 above.

20. As per claims 45, 56 and 70, Dutta, Schneider and Betros taught the invention substantially as claimed in claims 44, 55 and 69 above. Schneider further taught that the user-specified query includes a reference to a content of the requested data, and the system includes a content specific query handler to locate the requested data (col. 4, lines 26-33).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Betros because Schneider's teaching of user-specified query including a reference to a content of the requested data would increase the efficiency of their systems by allowing the system to retrieve the content based on the reference in the query to minimize the retrieval time.

22. As per claims 48, 60 and 75, Dutta, Schneider and Betros taught the invention substantially as claimed in claims 42, 53 and 67 above. Schneider further taught that the data includes multimedia data (col. 2, lines 33-36).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Betros because Schneider's teaching

of including multimedia data would increase the field of use in their systems by allowing different type of data including multimedia to be shared as an application choice.

24. As per claims 49, 61 and 76, Dutta, Schneider and Betros taught the invention substantially as claimed in claims 42, 53 and 67 above. Dutta and Schneider further taught that the peer node is a wireless device (see Dutta, page 2, paragraph 26) and an application support handler included at the system adjusts delivery of the data to a status of the peer node (see Schneider, col. 3, lines 10-17; col. 4, lines 14-20; col. 6, lines 26-29).

25. As per claims 50 and 63, Dutta, Schneider and Betros further taught that the system receives the data from the second peer node (see Dutta, page 3, paragraph 73) after the second peer node has transcoded the data (see Schneider, col. 3, lines 19-21; col. 4, lines 57-61).

26. As per claims 52, 65 and 78, Dutta, Schneider and Betros taught the invention substantially as claimed in claims 42, 53 and 67 above. Schneider further taught that the data is transcoded in response to a status of a network connection between the system and the peer node (col. 4, lines 1-20; col. 5, lines 48-62; col. 6, lines 26-29).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Betros because Schneider's teaching of transcoding the data in response to the status of a network connection would increase the

efficiency of their systems by allowing the optimal transmission method to be chosen based on the network bandwidth and user preference (col. 3, lines 10-16).

28. As per claim 66, Dutta, Schneider and Betros taught the invention substantially as claimed in claim 53 above. Although Dutta and Schneider taught transcoding the data (see Schneider, col. 4, lines 57-61) and receiving the data from the first node (see Dutta, page 4, paragraphs 44-45), wherein the transcoding includes converting the data into a format that can be processed by the peer node (see Schneider, col. 4, lines 57-61), however, Dutta, Schneider and Betros did not teach transcoding the data after receiving the data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to transcoding the data after receiving the data from a node because it is a matter of design choice to transcode the data before or after receiving the data from a node.

29. As per claim 79, Dutta, Schneider and Betros taught the invention substantially as claimed in claim 53 above. Dutta and Schneider further taught comprising the first peer node obtaining the data from a third peer node (see Dutta, page 3, paragraph 37) before performing said transcoding (see Schneider, col. 4, lines 57-61).

30. Claims 46-47, 51, 57-59, 62, 64, 72-74 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider and Betros in view of Horn et al, U.S. Patent Application Publication 2001/0022000 (hereinafter Horn).

31. Horn was cited in the last office action.

32. As per claims 46, 58 and 73, Dutta, Schneider and Betros taught the invention substantially as claimed in claims 42, 53 and 67 above. Dutta, Schneider and Betros did not specifically detailing a format requested by the peer service layer of the peer node. Horn taught wherein the data is transcoded into a format requested by the peer service layer of the peer node (page 2, paragraph 22; page 5, paragraph 56).

33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Betros and Horn because Horn's teaching of a format requested by the peer service layer of the peer node would improve quality of transmission in Dutta's, Schneider's and Betros's systems by allowing peer service layer to provide transmission condition parameters indicative of the condition of the network to control the processing of data (page 2, paragraphs 15 and 17).

34. As per claims 47, 59 and 74, Dutta, Schneider and Betros taught the invention substantially as claimed in claims 42, 53 and 67 above. Dutta, Schneider and Betros did not teach access to a peer-to-peer service layer. Horn taught wherein the system includes a programmatic access for applications to a peer-to-peer service layer (page 5, paragraphs 55-56) (Note that the system must include programmatic access in order for application to use the transmission condition parameters provided by the peer-to-peer service layer.)

35. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Betros and Horn for the same reason set forth in claims 46, 58 and 73 above.

36. As per claims 51, 57, 64, 72 and 77, Dutta, Schneider and Betros taught the invention substantially as claimed in claims 42, 53 and 67 above. Although, Dutta and Schneider taught specifying the transport specification in the request for data (see Schneider, col. 3, lines 14-16), however, Dutta, Schneider and Betros did not teach a peer service layer. Horn taught a peer service layer specifies the transport specification (page 2, paragraph 22; page 5, paragraph 56).

37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Betros and Horn for the same reason set forth in claims 46, 58 and 73 above.

38. As per claim 62, Dutta, Schneider and Betros taught the invention substantially as claimed in claim 53 above. Dutta, Schneider and Betros did not teach a peer service layer. Horn taught wherein a peer service layer is included at the node to provide system-level service below an operating system of the node (page 4, paragraph 46). (Note that the transmission condition parameter is acquired at one of the lower layers (e.g. link layer, network layer, or transport layer). This means that the lower layer must be providing the service below an operating system in a node.)

39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Betros and Horn for the same reason set forth in claims 46, 58 and 73 above.

40. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider and Betros in view of Neogi et al, U.S. Patent 6,650,620 (hereinafter Neogi).

41. Neogi was cited in the last office action.

42. As per claim 71, Dutta, Schneider and Betros taught the invention substantially as claimed in claim 67 above. Dutta, Schneider and Betros did not teach tables mapping user-defined named. Neogi taught that the second and first peer nodes include tables mapping user-defined names or metadata references to Globally Unique Identifiers identifying data stored within a network of peer-to-peer nodes (col. 2, lines 53-63; col. 3, lines 27-43).

43. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Betros and Neogi because Neogi's system of mapping user-defined names would increase the efficiency of Dutta's, Schneider's and Betros's systems by allowing requests to be routed according to the mapping table.

44. Applicant's arguments with respect to claims 42-79, filed 02/16/06, have been fully considered but are moot in view of new grounds of rejection.

45. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

46. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Philip Lee

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER